IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.915 OF 2003

IN

SUMMARY SUIT NO. 3661 OF 2002

Bob Cards Ltd .....**Plffs.**
vs.
Anil Shankar Masurkar .....**Defnds.**

Anil Tiwari for the plaintiffs.

Mr. M.L.Palan i/b. M/s. M.K. Khatri for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 29TH AUGUST, 2005.

P.C. :.

1. The present suit is filed for the sum of Rs.2,46,033.72/- inrespect of credit card issued by the plaintiff bank. There is no dispute as to the issuance of the credit card and the utilisation thereof. It is the case of the defendant that the

said credit card was cancelled on 14.8.1999 and therefore the defendant is entitled to unconditional leave to defend. However my attention is drawn by the learned counsel that on 3.9.1999 there was part payment of Rs.7,500/- and therefore the period of limitation stood extended. Thus the contention that the claim is barred by the law of limitation has no merits and is required to be rejected. The next contention raised that the plaintiff is not entitled to levy service charges after the cancellation of the credit card. In my opinion under the terms and conditions of the contract plaintiffs are entitled to levy the charges inrespect of the outstanding amount in the said credit card. In view thereof there is no defence in the present suit. In view thereof I pass the following order :

> There shall be decree in favour of the plaintiffs and against the defendants for sum of Rs.2,46,033.78/- with interest thereon at the rate of

12%p.a. simple rate of interest. Suit decreed accordingly. Summons for Judgment does not survive. The same is dismissed as infructious.

sd/-

****